

WILLIAM W. MANLOVE, OSB #891607
Senior Deputy City Attorney
william.manlove@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

HANNAH AHERN,

Case No.: 3:21-cv-00561-YY

PLAINTIFF,

**SUPPLEMENTAL DECLARATION OF
WILLIAM W. MANLOVE**

v.

**ERIK KAMMERER, CITY OF
PORTLAND; and JOHN DOES 1-5,**

**(In Support of Defendant City of Portland's
Reply in support of Motion for Partial
Summary Judgment)**

DEFENDANTS.

I, William W. Manlove, Deputy City Attorney, representing Defendant City of Portland in the above-entitled matter, declare as follows:

1. Defendant City of Portland produced to Ms. Ahern's attorneys on November 22, 2022, the Independent Police Review ("IPR") Division and the Portland Police Bureau ("PPB") Internal Affairs Division's ("IAD") complete investigative file related to Plaintiff's complaint of police misconduct occurring on August 17, 2019. The City's investigative file related to Ms. Ahern's complaint was 1188 pages.

2. Defendant City of Portland produced to Ms. Ahern's attorneys on June 2, 2023, the video and audio that is Plaintiff's Exhibit 002 to the Declaration of Counsel (ECF No. 83).

3. Defendant City of Portland produced to Ms. Ahern's attorneys on November 3, 2023, materials from the City's investigative files related to 10 cases of alleged misconduct against Detective Kammerer.

4. City of Portland answered Plaintiff's Interrogatory No. 9, contained within Plaintiff's Third Set of Interrogatories, on November 13, 2023.

5. I am the Senior Deputy City Attorney assigned to represent the City in *Opbroek v. City of Portland, et al.*, USDC (Or.) Case No. 3:22-cv-00610-JR, and *Warren v. City of Portland*, MCCC 21CV211137. In both cases, the City and other defendants have denied plaintiffs' allegations of excessive or unreasonable force, and those cases continue to be litigated.

6. Defendant City submits **Exhibit 25** to the Declaration of Kelsey Lloyd in Support of Defendant City of Portland's Reply in support of Motion for Partial Summary Judgment under seal. This document contains confidential information maintained by PPB's Internal Affairs Division related to Portland police officers or former officers; and documents maintained by IPR related to Portland police officers or former officers. (See Stipulated Protective Order ("SPO") (ECF No. 42), pp. 2-3.) Pursuant to the SPO entered in this matter, if portions of documents or other materials deemed "Confidential" or any papers containing or making reference to such materials are filed with the Court, they shall be filed under seal. (SPO, ¶ 4.) The document shall be treated as confidential and shall not be shown to any person other than those persons designated in paragraph 7 of the Protective Order.

7. Attached to this declaration as **Exhibit 26** is a true and correct copy of a Stipulated General Judgment of Dismissal with Prejudice filed in *Aaron McCarthy v. City of Portland, Erik Kammerer*, MCCC Case No. 21CV18891.

8. Attached to this declaration as **Exhibit 27** is a true and correct copy of the Stipulated Judgment filed in *Vontillius v. Erik Kammerer, City of Portland, John Does 1-10*, USDC, Case No. 3:22-cv-00765 YY.

9. Attached to this declaration as **Exhibit 28** is a true and correct copy of a still image taken as a screen shot at 01:37 from the video marked as Exhibit 004, to the Declaration of Counsel, ¶ 7, signed by Juan C. Chavez. (ECF No. 83.) I have circled Ms. Ahern in red on **Exhibit 28**.

10. Attached to this declaration as **Exhibit 29** is a true and correct copy of a still image taken as a screen shot at 01:40 from the video marked as Exhibit 004, to the Declaration of Counsel, ¶ 7, signed by Juan C. Chavez. (ECF No. 83.) I have circled Ms. Ahern in red on **Exhibit 29**.

11. Attached to this declaration as **Exhibit 30** is a true and correct copy of a still image taken as a screen shot at 01:44 from the video marked as Exhibit 004, to the Declaration of Counsel, ¶ 7, signed by Juan C. Chavez. (ECF No. 83.) I have circled Ms. Ahern in red on **Exhibit 30**.

12. Attached to this declaration as **Exhibit 31** is a true and correct copy of a still image taken as a screen shot at 01:45 from the video marked as Exhibit 004, to the Declaration of Counsel, ¶ 7, signed by Juan C. Chavez. (ECF No. 83.) I have circled Ms. Ahern in red on **Exhibit 31**.

13. Attached to this declaration as **Exhibit 32** is a true and correct copy of a video played at the Deposition of Detective Erik Wayne Kammerer on April 23, 2023, by Plaintiff's attorney. **Exhibit 32** was marked by Plaintiff's attorney as Exhibit 6 during the deposition.

14. Attached to this declaration as **Exhibit 33** is a true and correct copy of excerpts from the certified transcript of the Deposition of Detective Erik Wayne Kammerer.

15. I make this supplemental declaration in support of Defendant City of Portland's Reply in support of Motion for Partial Summary Judgment.

///

///

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: March 22, 2024

/s/ William W. Manlove
WILLIAM W. MANLOVE